

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MAY 6, 2021

SEC. CLERK'S OFFICE
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2021 MAY -6 P 12: 09

APPLICATION OF

RED TRUCK WIRELESS, LLC

CASE NO. PUR-2021-00071

For a certificate of public convenience and necessity to provide competitive local exchange telecommunications service in the Commonwealth of Virginia

ORDER FOR NOTICE AND COMMENT

On April 28, 2021, Red Truck Wireless, LLC ("Red Truck" or "Company") completed the filing of an application with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity to provide local exchange telecommunications service throughout the Commonwealth of Virginia ("Application").

NOW THE COMMISSION, upon consideration of the Application, is of the opinion and finds that it should docket the Company's Application; that Red Truck should give notice to the public of its Application; that interested persons should have an opportunity to comment and request a hearing on the Company's Application; and that the Staff of the Commission ("Staff") should conduct an investigation into the reasonableness of the Application and present its findings in a report ("Staff Report").

The Commission further takes judicial notice of the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, and the declarations of emergency issued at both the state and federal levels.¹ The Commission has taken certain actions, and may take additional actions going forward, which could impact the procedures in this proceeding.²

¹ See, e.g., Executive Order No. 51, Declaration of a State of Emergency Due to Novel Coronavirus, COVID-19, issued March 12, 2020, by Governor Ralph S. Northam. This and subsequent Executive Orders related to COVID-19 may be found at: <https://www.governor.virginia.gov/executive-actions/>.

² See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, Doc. Con. Cen. No. 200330035, Order Concerning Electronic

Consistent with these actions, in regard to the terms of the procedural framework established below, the Commission will, among other things, direct the electronic filing of pleadings, unless they contain confidential information, and require electronic service on all parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUR-2021-00071.

(2) All pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").³ Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. For the duration of the COVID-19 emergency, any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.⁴

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be

Service of Commission Orders (Mar. 19, 2020), *extended by* Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020) ("Revised Operating Procedures Order"), *extended by* Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020).

³ 5 VAC 5-20-10 *et seq.*

⁴ As noted in the Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may not be processed for an indefinite period of time due to the COVID-19 emergency.

accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(4) On or before June 7, 2021 Red Truck shall complete publication of the following notice to be published on one occasion, as classified advertising, in newspapers having general circulation throughout its proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
RED TRUCK WIRELESS, LLC, FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE
IN THE COMMONWEALTH OF VIRGINIA
CASE NO. PUR-2021-00071

On April 28, 2021, Red Truck, LLC ("Red Truck") filed an application with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity to provide local exchange telecommunications service throughout the Commonwealth of Virginia ("Application").

Copies of the Application may be downloaded from the Commission's website: scc.virginia.gov/pages/Case-Information or may be obtained from Red Truck by contacting David LaFuria, Esq. (Counsel for Red Truck), Lukas, LaFuria, Gutierrez & Sachs, LLP, 8300 Greensboro Drive, Suite 1200, Tysons, Virginia 22102, or dlafuria@fcclaw.com.

Any person desiring to comment on Red Truck's Application may do so on or before June 21, 2021, either electronically by following the instructions on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments or by filing such comments with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

On or before June 21, 2021, any person may request a hearing on Red Truck's Application. If not filed electronically at scc.virginia.gov/clk/efiling, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the

Commission at the address set forth above. Requests shall include:
 (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known;
 (iii) a statement of the factual and legal basis for such action; (iv) a precise statement why a hearing should be conducted in the matter;
 and (v) the email addresses of such parties or their counsel.
 Persons filing a request for hearing shall serve a copy of their request upon Red Truck.

All submissions to the Commission concerning Red Truck's Application shall refer to Case No. PUR-2021-00071.

RED TRUCK WIRELESS, LLC

(5) On or before June 7, 2021, Red Truck shall provide a copy of the notice contained in Ordering Paragraph (4) by email to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(6) Any person desiring to comment on Red Truck's Application may do so on or before June 21, 2021, electronically by following the instructions on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments, or by filing such comments with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

(7) On or before June 21, 2021, any person may request a hearing on Red Truck's Application. If not filed electronically at scc.virginia.gov/clk/efiling, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (6). Requests for hearing shall refer to Case No. PUR-2021-00071 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the factual and legal basis for such action; (iv) a precise statement why a hearing should be conducted in the matter; and (v) the

email addresses of such parties or their counsel. A copy also shall be served on Red Truck via David LaFuria, Esq. (Counsel for Red Truck), Lukas, LaFuria, Gutierrez & Sachs, LLP, 8300 Greensboro Drive, Suite 1200, Tysons, Virginia 22102, or dlafuria@fcclaw.com.

(8) On or before July 19, 2021, Red Truck shall file with the Commission proof of notice and proof of service as ordered herein.

(9) Staff shall analyze the reasonableness of Red Truck's Application and present its findings in a Staff Report to be filed on or before August 9, 2021.

(10) On or before August 16, 2021, Red Truck may file responses to the Staff Report, any comments, and any requests for hearing filed with the Commission. If not filed electronically, an original and fifteen (15) copies of any responses shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (6). A copy of the response shall be sent electronically to the Staff and the Commission's Office of General Counsel and to any person who filed a request for a hearing on the Application.

(11) The Company shall respond to written interrogatories or data requests within seven (7) calendar days after the receipt of the same. Persons who filed requests for hearing shall provide to the Company, Staff, and any other persons who filed requests for hearing, promptly upon request, any work papers or documents used in preparation of their requests for hearing. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(12) The Company shall respond promptly to requests from interested persons for copies of the Application and shall provide one copy free of charge. Copies of the Application also may be downloaded from the Commission's website: scc.virginia.gov/pages/Case-Information.

(13) In accordance with 20 VAC 5-417-20 G 1 b of the Commission's Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers, Red Truck shall

provide a performance or surety bond in the amount of \$50,000 in a form to be prescribed by Staff. This bond shall be provided to the Commission's Division of Public Utility Regulation within thirty (30) days from the date of this Order.

(14) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to:
David LaFuria, Esquire, Lukas, LaFuria, Gutierrez & Sachs, LLP, 8300 Greensboro Drive, Suite 1200, Tysons, Virginia 22102, dlafuria@fcclaw.com; and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219, MBrowder@oag.state.va.us.